

## CHAPTER VII.

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### CONTROVERSY WITH BOW.

IN giving the history of the controversy between the proprietors of Rumford and of Bow, in regard to the title to their lands, I shall aim to make an impartial statement of facts, with reference to such official documents as are on hand. Long, expensive and vexatious as was the litigation at the time, yet, since the settlement of it by the proper judicial authority, there is no further occasion for acrimony on either side. The present inhabitants of both towns — for the most part ignorant of the nature of the contest — are living in good neighborhood, which we trust will never more be interrupted.

The reader will bear in mind that Penacook was granted by *Massachusetts*, January 17, 1725, on the ground of her claim to the lands "lying three miles north of the Merrimack river, from its mouth to the sources thereof." This claim was disputed by New-Hampshire; and when the surveyors from Haverhill, in May, 1726, came to lay off the lands in Penacook, they were met and warned to desist by a committee from the government of New-Hampshire. May 20, 1727, a grant of a township was made by New-Hampshire to one hundred and seven proprietors and "their associates," bounded as follows: "Beginning on the south-east side of the town of Chichester, and running nine miles by Chichester and Canterbury, and carrying that breadth of nine miles from each of the aforesaid towns, south-west, until the full complement of eighty-one square miles are fully made up, and that the same be a town corporate, by the name of Bow, to the

persons aforesaid and their associates forever.”\* This grant, as will be seen by the annexed Plan,† covered about three fourths of the township of Penacook, and also the greater part of Suncook, or Pembroke, and extended even into Hopkinton.‡

The Associates composed the government of New-Hampshire, viz.: His Excellency and Honorable Samuel Shute, Esq., and John Wentworth, Esq., each of them five hundred acres of land and a home lot; Col. Mark Hunking, Col. Walton, George Jaffrey, Richard Wibird, Col. Shad. Westbrook, Archibald McPheaddres, John Frost, Jotham Odiorne, Esquires,§ each a proprietor’s share; Peter Wear, John Plaisted, James Davis, John Gilman, Andrew Wiggin, Capt. John Downing, Capt. John Gillman, Samuel Tibbets, Paul Gerrish, Ens. Ephraim Dennet, John Sanburn, Theodore Atkinson, Ebenezer Stevens, Richard Jennes, Capt. William Fellows, James Jeffery, Joseph Loverin, Daniel Loverin, Zah. Hanahford, Joseph Wiggin, Pierce Long.¶ To

\* See Documents for Chap. VII., No. 1.

† EXPLANATION OF THE ANNEXED PLAN.

1 Rumford—laid out by Massachusetts, seven miles square and one hundred rods on the south, is represented by thick black lines.

2. Suncook—laid out also by Massachusetts, south of Rumford, is on both sides of the river.

3. Bow—laid out by New-Hampshire, represented by double lines—nine miles square, and is apparent on the plan—covering, like a wide sheet, nearly the whole territory, both of Rumford and Suncook.

4. The dotted line on the east represents the “three miles north of the Merrimack river” claimed by Massachusetts.

5. Canterbury, Chichester, Epsom and Bow, were all granted by New-Hampshire, May 20, 1727, as is believed, without previous actual survey.

§ The PLAN—although not drawn with perfect accuracy—is sufficiently clear to show the grounds of the long controversy.

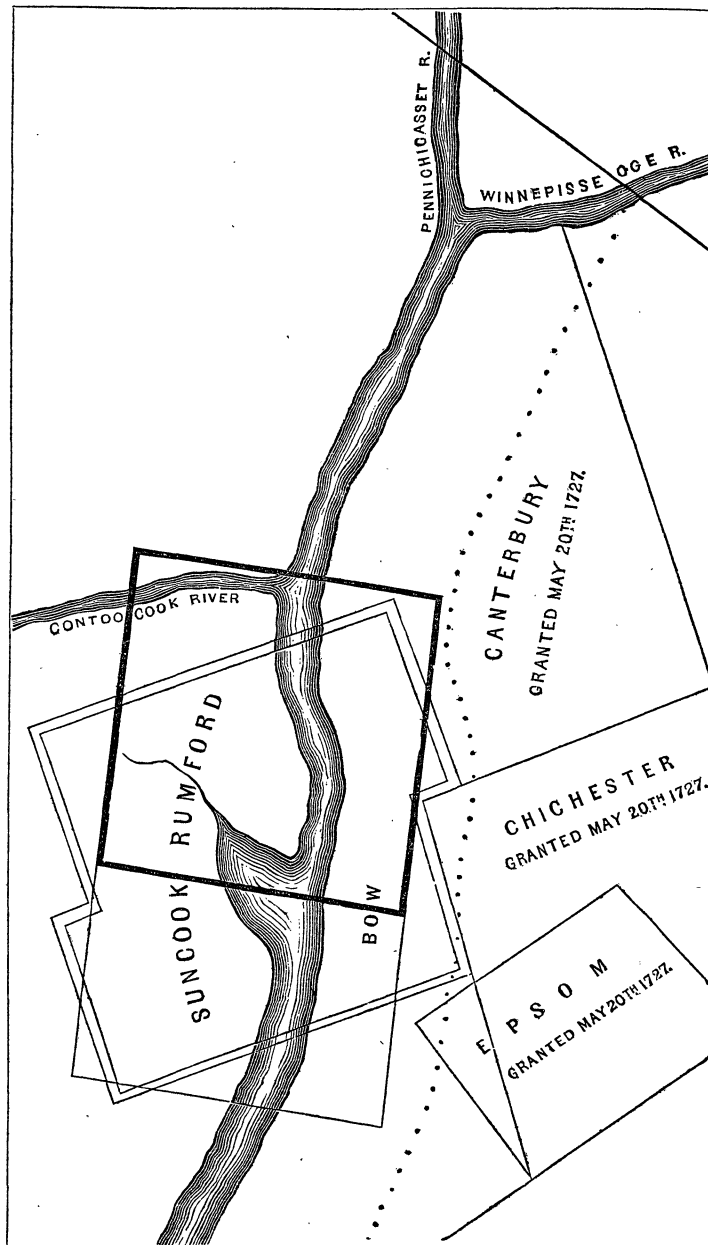
‡ *The purambles of the Lines of the Town of Bow as Surveyed by me, the subscriber, on or about the year 1749.*

I began at the Reputed Bound of the Town of Chichester, at the head of Nottingham, and from thence run north-west four miles to the head of Epsom; then there marked a maple tree with the word Bow and sundry Letters, and from said tree, which I called the East Corner of said Bow, I run north-west, four miles, to the West Corner of Chichester; y<sup>n</sup> north-east, one mile, to Canterbury South Corner; then north-west, five miles, on said Canterbury; y<sup>n</sup> south-west, nine miles, which runs to north-west of Rattle-snake Hill and most of the Pond that lays on the north-west side of said hill; and said Line crosses Hopkintown Road, so called, and takes part of said Town in; then we marked a tree and run south-east, five miles, and marked a tree; y<sup>n</sup> one mile south-west; then south-east, four miles; y<sup>n</sup> north-east, nine miles, to where we began.

WALTER BRYANT.

P. S. I crossed Merrimack River within two mile of Canterbury Line, and found all the inhabitation to the south of Canterbury and east of Merrimack which are in Rumford to be in Bow.

§ Members of the Council. ¶ Members of the Assembly.



these, sixteen others were added by order of the lieutenant governor and council — making in all, one hundred and forty-four.

In 1733 Penacook was incorporated by Massachusetts into a township by the name of Rumford. In 1737 the king determined the boundary line between Massachusetts and New-Hampshire, so that Rumford fell under the jurisdiction of the latter. After the expiration of the District act, (1748,) a petition was presented by Benjamin Rolfe, Esq., January 24, 1749, to the Governor and Council of New-Hampshire for the incorporation of Rumford by its original bounds.\* To this a counter petition was presented by the selectmen of Bow, February 7, 1749–50.†

In November, (14,) 1750, a suit was commenced against Dea. John Merrill “by the proprietors of the common and undivided lands lying and being in the town of Bow,” in an action of ejectment, wherein they demand against the said John Merrill eight acres of land, more or less, with the edifices and appurtenances thereof, lying and being in Bow aforesaid.”‡ This seems to have been the beginning of the litigation — *the test* of the right of the proprietors of Bow to the lands claimed by them, and included in the original grant of Penacook. Many other suits, it appears, were afterwards instituted; but this against Merrill involved the principle on which all the cases were finally settled.

In defending the title to their lands the proprietors of Rumford had to contend, not so much with individual inhabitants of Bow as with the government of New-Hampshire; for most of the original “proprietors” of Bow had forfeited their rights by non-fulfilment of the conditions, and the township had fallen into the hands of the “associates,” who, as before observed, constituted the civil authority of the Province. Hence it was that an impartial trial seemed impossible; for the government was itself, for the most part, the tribunal before which the case was tried — judges, jurors, counsellors, and all, were in the New-Hampshire interest.

Happily the proprietors of Rumford were united in their purpose to maintain and defend their rights, and to “stand by” each other at whatever cost and sacrifice through the contest. Hence,

\* Doc. No. 2, A. † Doc. No. 2, B. ‡ Doc. No. 3.

April 23, 1750, they *Voted*, "That the proprietors will be at the cost of defending John Merrill, one of said proprietors, in the action brought against the said John by the proprietors of Bow, for the recovery of part of said John's homestead: *provided*, said John Merrill shall pursue and defend said action agreeable to the orders of said proprietors." Also, *Voted*, "That the proprietors will be at the cost and charge of supporting and defending the just right and claim of any of said Proprietors or their grantees, to any and every part of said township of Rumford, against any person or persons that shall bring a writ of trespass and ejectment for the recovery of any of said lands: *provided* the said proprietors or grantees that shall be trespassed upon, or that shall be sued, shall pursue and defend their rights or claims agreeable to the orders of said proprietors of Rumford."

At the same time, Capt. John Chandler, Col. Benjamin Rolfe, Lieut. Jeremiah Stickney, Mr. Ebenezer Virgin, and Dr. Ezra Carter, or the major part of them, were appointed a committee for said proprietors, "to advise and order Dea. John Merrill how he shall pursue and defend the action brought against said Merrill by the proprietors of Bow; also, to advise and order any other person or persons that shall be sued or shall sue in order to support and defend their rights or claims, what method they shall pursue for the purposes aforesaid." \*

In order to meet the expenses incurred on these suits, in subsequent years, till the settlement of the controversy, the proprietors, from time to time, ordered the sale of "so much of their common and undivided lands" as would be necessary for the purpose.†

In 1760 sundry of the proprietors gave their notes, for £15

\* Proprietors' Records.

† At a meeting of the proprietors, June 28, 1759, Capt. John Chandler, Ezra Carter, Esq., Mr. Ebenezer Virgin, and Mr. Joseph Hall, were appointed a committee "to lay out and sell so much of the common and undivided lands as shall be sufficient to raise a sum of fifteen hundred Spanish dollars, over and above the cost and charge of laying out, selling and recording said lands — said sum to be applied for the defence of the said proprietors' title to their township, against the claims which any person or persons shall or may lay to the same or any part thereof, either in any of His Majesty's courts of justice in this Province, or in forwarding of an appeal to His Majesty in Council, according to such directions as said proprietors have or may give."

March 13, 1758, Mr. Joseph Hall, Mr. Ebenezer Eastman and Mr. Peter Coffin, were appointed "a committee to dispose of so much *Iron Ore* belonging to the proprietors as they shall think proper for the benefit of said proprietors."

each, as security or indemnity for expense of agents employed by them; which, however, were afterwards recovered. And in 1766, before the final adjustment of the controversy, they agreed and voted to raise £400 sterling, and a committee was appointed "to apportion said sum on the proprietors and their grantees."

In the course of the trial various depositions were obtained, showing the preöccupancy of the lands by inhabitants of Rumford, even before the grant of Bow was made. *Richard Hazzen* deposed, December 14, 1752, that he surveyed the house and home-lots in Penacook in May, 1726; and again another division of lands in May, 1727; and "that there were near fifty of the proprietors at work there, or persons whom they hired, during the time he was laying out said lands." *Edward Abbot* deposed,\* "that on 8th of May, 1727, he, with many others, set out from Andover on their journey to a new township called Penacook, in order to erect a house which had been some time before begun, which was designed by the settlers for a meeting-house for the public worship of God; that about the same time, in said month, a considerable number of settlers — about forty — went up to the said place, and that John Merrill, one of the said settlers, moved his family up to the said plantation in June, 1730, having made considerable improvements there the three preceding years." Mr. Abbot also deposed and said, that "he had been well acquainted with the circumstances of the plantation of Penacook from its first settlement to this day, and that he never knew any of the proprietors of Bow, as such, their agents or delegates, settle upon, manure, or occupy any part of the said township or plantation." *Jacob Shute* deposed, "that in the fall of the year 1727 he assisted in moving up the first family that settled at Penacook; that he then found a meeting-house built, considerable hay cut and cured, and corn planted, and that in the month of June, 1730, John Merrill moved his family up to the said plantation, having made considerable improvements there in the three preceding years." *Joseph Abbot* deposed, "that some time in the month of April, 1727, he went to Penacook, and assisted in felling and hewing timber for a meeting-house; that there were then eighteen persons assisting in said business;

\* Original deposition, among papers of the late Rev. Timothy Walker.

and that during their stay there they turned their horses to some stacks of hay said to be cut there by some of the admitted settlers the year before ; and that John Merrill, one of the admitted settlers, was at Penacook in the month of May, and worked some on said house, and some at clearing of land." "The deponent further saith, that he is well knowing that from this time the plantation increased so fast, that in the fall of the year 1730 there was a church gathered and a minister ordained." Jeremiah Kimball made a similar deposition.

While the trial of this case was going on, a warrant was issued by the government of New-Hampshire, May 30, 1753, for raising an assessment of sixty pounds on all polls and estates ratable by law within the township of Bow ; and another warrant, July 26, 1753, for raising thirty-one pounds, four shillings, to be collected and paid in on or before the 25th of December next ensuing.\* The persons on whom these taxes were to be assessed, were, with perhaps three or four exceptions, inhabitants of Rumford.

Up to this time a town-meeting had never been held by the inhabitants of Bow proper ; and on the 30th of June, 1753, a special act was passed, appointing Daniel Pierce, Esq., to warn

\* The tax was to be paid "in bills of credit, according to their several denominations, or in coined silver at six shillings, eight pence per ounce, Troy weight, of sterling alloy, or in coined gold at four pounds, eighteen shillings per ounce ; or in the following sorts and species of goods, being of the produce or manufactures of said Province, at the price to each sort and specie herein respectively affixed, namely :

Merchantable hemp, per cwt., . . . . .	£2	15	0
Winter and first fare Isle Sable cod-fish, per quintal, . . . . .	0	15	0
Turpentine, per barrel, . . . . .	1	10	0
Tanned sole leather, . . . . .	1	6	0
Bar iron, per cwt., . . . . .	2	0	0
Barley, per bushel, . . . . .	0	4	0
Indian corn, per bushel, . . . . .	0	4	0
Beef, per lb., . . . . .	0	0	3
Merchantable white pine boards, per M., . . . . .	2	5	0
Beeswax, per lb., . . . . .	0	1	6
Pitch, per barrel, . . . . .	1	5	0
Bayberry wax, per lb., . . . . .	0	1	3
Tar, per barrel, . . . . .	1	0	0
Flax, per lb., . . . . .	0	1	0
Rye, per bushel, . . . . .	0	5	0
Wheat, per bushel, . . . . .	0	6	0
Peas, per bushel, . . . . .	0	8	0
Pork, per lb., . . . . .	0	0	4
Joist, per M., . . . . .	2	0	0
White oak two inch plank, per M., . . . . .	8	0	0"

and call a meeting of the inhabitants of Bow—the preamble to said act setting forth that “the inhabitants had never held a meeting as a town.”† The meeting was accordingly notified and held, July 25, 1753. But unexpected difficulties were here encountered, properly set forth in the following petition, October 26, 1753.

PROVINCE OF NEW-HAMPSHIRE.

*To His Excellency BENNING WENTWORTH, Esq., Captain General,  
Governor, &c.:*

We, the subscribers, humbly beg leave to inform your Excellency and Honors, that at a meeting of the freeholders and inhabitants of the town of Bow, in said Province, held the 25th day of July last past, pursuant to a special act of this General Assembly for the calling said meeting, we were chosen selectmen for said town for this current year; and that since that time we have received two several warrants from this Province treasurer—the first dated May 30th, 1753, and the other dated the 26th day of July, 1753—by the first of which we are commanded in His Majesty's name to assess the sum of sixty pounds on said inhabitants, and by the other the sum of thirty-one pounds, four shillings;—and though we are ready, [and that with cheerfulness,] to obey every order of government, yet that we are at a loss as to the boundaries of said Bow, and consequently do not know who the inhabitants are that we are to assess said sums upon. That the proprietors of Bow, in running out the bounds of said town, have, as we conceive, altered their bounds several times; and further, that one of those gentlemen that purchased Capt. Tuf-ton Mason's right to the lands in said Province, has given it as his opinion that said proprietors have not as yet run out the bounds of said town agreeable to their charter, but that their southeast side line should be carried up about three quarters of a mile further toward the northwest; and there is lately [by his order,] a fence erected along some miles near about said place, designed, [as we suppose,] as a division fence between said Bow and land yet claimed by said purchasers.

And that, on the other hand, the inhabitants of Pennycook, formerly erected into a district by a special act of the General Assembly of this Province, [though they object nothing against submitting to order of Government,] refuse to give us an invoice of their estates, [that is, such of them as we have asked for the same,] alleging that they do not lay in Bow, and that this said Assembly did as good as declare in said district act.

So that, upon the whole, we humbly conceive, [unless the pleasure of this court is first made known relating to the aforesaid affairs,] that should we proceed to assess the aforesaid sums on such as we may have conceived are the inhabitants of said Bow, that many would

† See Act on record in Secretary's office.



refuse to pay the sums that should be so assessed on them, and consequently that we should be thrown into so many law suits, as would, in all probability, ruin us as to our estates. Therefore we humbly crave that your Excellency and Honors would take the aforesaid affairs under your wise and mature consideration, and fix the boundaries of said Bow, or otherwise give us such directions as you shall think proper. And so submitting the whole affair to your Excellency and Honors to do as you in your great wisdom shall think fit, not doubting that you will give us such directions as, if followed by us, we may obey the commands laid on us by this court without the least detriment to ourselves.

And your petitioners, as in duty bound, shall ever pray.

Bow, October ye 26th, 1753.

MOSES FOSTER,  
JOHN COFFIN,  
RICHARD EASTMAN,  
DAVID ABBOT,  
WILLIAM MOOR,  
*Selectmen.*

[The House granted a hearing on the 31st of January, and on petition deferred it till the Friday after the 20th, 1754.]

The next step, February 12, 1753, on the part of the inhabitants of Rumford, was to appoint Rev. Timothy Walker and Benjamin Rolfe, Esq., to represent "to the King's most Excellent Majesty in Council, the manifold grievances they labored under,\* by reason of the law suits commenced against them by the proprietors of Bow, and by being for several years past deprived of all corporation privileges:" in August following, a petition was preferred to the Massachusetts government, representing their grievances and asking "such relief as in their great wisdom they should see fit to grant." In answer to which latter petition one hundred pounds were granted.

Deputed as an agent for the proprietors of Rumford, Rev. Mr. Walker sailed for England in the fall of 1753,† and presented

\*Doc. No. 4, A and B.

†"Whereas the Rev. Mr. Timothy Walker, of Rumford, one of our brethren, has informed us that he has some thoughts of going to England, and has desired a recommendation from us, we do hereby signify and declare that he is not only a gentleman of a liberal education, but a worthy and regular minister of ye gospel, and a member of this convention; and we do hereby freely and heartily recommend him to the charity and good esteem of all our Christian friends and brethren in England.

*Voted*, That the moderator and clerk sign the above within recommendation in the name of the convention."—*Records of Convention of New-Hampshire Ministers, Hampton-Falls, October 9, 1753.*

“to the King’s most Excellent Majesty in Council,” the following petition, drawn up, as appears, by himself, every word of which should be read.

A PETITION OF TIMOTHY WALKER AND COL. ROLFE TO THEIR  
MOST GRACIOUS SOVEREIGN.

*To the King’s Most Excellent Majesty in Council :*

The petition of Benjamin Rolfe, Esq., and Timothy Walker, clerk, inhabitants of a town called Rumford, in the Province of New-Hampshire, in New-England, for themselves, and in behalf and at the request of the other inhabitants of said town, most humbly sheweth —

That the lands contained in said town of Rumford were granted by the government of the Province of the Massachusetts Bay, in the year 1725, and were supposed, according to the construction of the Massachusetts Charter and the determination of His Majesty King Charles the Second, in 1677, to lay wholly within the said Province, though bounded on New-Hampshire, seeing no part of said lands extended more than three miles from the river Merrimack towards New-Hampshire. Your petitioners and their predecessors very soon engaged in bringing forward the settlement of the above granted lands, though in the midst of the Indian country, and near thirty miles beyond any English plantation, and have defended themselves more at their own cost than at the charge of the public, through the late war with y<sup>e</sup> French and Indians; and from a perfect wilderness, where not one acre of land had ever been improved, they have made a considerable town, consisting of more than eighty houses, and as many good farms; and your humble petitioner, Timothy Walker, was regularly ordained the minister of the church and parish in said town in the year 1730, and has continued there ever since.

Your petitioners beg leave further to represent to your Majesty, that at the time of the aforesaid grant they had no apprehension that their bounds would ever be controverted by the Province of New-Hampshire; but it has so happened that by your Majesty’s late determination of y<sup>e</sup> boundary line between y<sup>e</sup> two Provinces, the whole of the aforesaid township falls within the province of New-Hampshire. Soon after the aforesaid determination, your petitioners made their humble application to your Majesty in Council, that they might be restored to your Province of the Massachusetts Bay, which your Majesty was pleased to disallow; but your humble petitioners have dutifully submitted to the government of your Majesty’s Province of New-Hampshire ever since they have been under it, and with so much the greater cheerfulness because they were well informed your Majesty had been graciously pleased to declare that however the jurisdiction of the two governments might be altered, yet that the private property should not be affected thereby.

But notwithstanding this your Majesty’s most gracious declaration,

your poor petitioners have for several years past been grievously harassed by divers persons under color of a grant made by the government and council of New-Hampshire in the year 1727, to sundry persons and their successors, now called the Proprietors of Bow.

Your petitioners further humbly represent, that the said grant of Bow was not only posterior to that of Rumford, but is likewise extremely vague and uncertain as to its bounds, and its being very doubtful whether it was the intent of the Governor and Council of New-Hampshire that it should infringe upon the Massachusetts grant of Rumford; and notwithstanding the grant of Bow has now been made so many years, there are but three or four families settled upon it, and those since the end of the late French war; the proprietors choosing rather to distress your petitioners by forcing them out of the valuable improvements they and their predecessors have made at the expense of their blood and treasure, than to be at the charge of making any themselves. But your petitioners' greatest misfortune is, that they cannot have a fair, impartial trial, for that the Governor and most of y<sup>e</sup> Council are proprietors of Bow, and by them not only y<sup>e</sup> judges are appointed, but also y<sup>e</sup> officers that impanels y<sup>e</sup> jury, and the people also are generally disaffected to your petitioners on account of their deriving their titles from the Massachusetts; and all the actions that have hitherto been brought are of so small value, and, as your petitioners apprehend, designed so that by a law of the Province there can be no appeal from the judgments of the courts to your Majesty in Council; and if it were otherwise the charges that would attend such appeals would be greater than the value of the land, or than the party defending his title would be able to pay; and without your Majesty's gracious interposition your petitioners must be compelled to give up their estates, contrary to your Majesty's favorable interposition in their behalf.

Your petitioners further beg leave humbly to represent, that, while they were under the government of Massachusetts Bay, they enjoyed town privileges by an act specially made for that purpose in the year 1733, and expressly approved of by your Majesty in the year 1737; but the utmost they could obtain since their being under New-Hampshire has been the erecting them into a district for a short term only; which term, having expired near four years ago, they have been without any town privileges ever since, notwithstanding their repeated applications to the Governor and Council; and they are not able to raise any moneys for the support of their minister, and the necessary charges of their school and poor, and other purposes; nor have they had any town officers for the upholding government and order, as all other towns in both the Provinces of New-Hampshire and the Massachusetts Bay usually have. Under these our distresses we make our most humble application to your Majesty, the common father of your subjects, however remote, entreating your gracious interposition in our behalf; and that your Majesty would be pleased to appoint disinterested, judicious persons to hear and determine our cause, that so we may have a fair and impartial trial, and that the

expense which otherwise must attend the multiplied law suits, as they are now managed, may be prevented, or that your Majesty would be pleased to grant us such other relief as to your great wisdom and goodness shall seem meet; and your most humble petitioners, as in duty bound, shall ever pray.

[Within presented in 1753.]

While in England the first time, Mr. Walker succeeded so far as to obtain a hearing of the case before His Majesty, which should take place the ensuing winter. He engaged Sir William Murray, afterward Lord Chief\*Justice Mansfield, as his counsel or and advocate, with whom, it is said, he formed a particular acquaintance. But it was necessary for him to go again. Accordingly, in October, 1754, Benjamin Rolfe, Esq., presented a petition to the General Court of Massachusetts, in which he acknowledges the receipt of one hundred pounds sterling, the previous year, and asks for still further aid. He says, "That the prosecution of the affair thus far has not only exhausted the said grant of this government, but brought your petitioners considerably into debt; that they are so impoverished by y<sup>e</sup> accumulated charges occasioned by these lawsuits as they have been managed in y<sup>e</sup> courts of New-Hampshire, as also by y<sup>e</sup> troubles from the Indians, which have drove many of them from their habitations, and taken all of them from their husbandry in y<sup>e</sup> most busie season of y<sup>e</sup> year, and employed them in building garrisons for y<sup>e</sup> defence of themselves and families, and also being at great cost during y<sup>e</sup> absence of their minister to procure a meet person to administer y<sup>e</sup> word and ordinances among them; that they are very unable to furnish their agent with y<sup>e</sup> monies necessary to enable him effectually to proceed in the said affair."

While the proprietors of Rumford sought pecuniary aid from the government of Massachusetts, the proprietors of Bow also applied for the same purpose to that of New-Hampshire, and obtained a grant of £100 to aid them in carrying on the suit.\*

In the spring of 1755 Jona. Lovewell was appointed by the General Court of New-Hampshire to warn a town meeting in Bow, 22d of April, for the choice of officers, &c., which he accordingly did, and subsequently made return that he warned the meeting and attended as moderator, at the place and time

\* Doc. No. 5.

appointed; "but *that there was but one inhabitant of said Bow that attended.*" This apparent disregard of their authority seems to have been resented by the government; for, at the very next session they passed what was called the "Bow Act," for assessing and collecting taxes in the refractory town; in which they set forth "that in contempt of the law, and in defiance of the government, the said town of Bow refused to meet at the time and place appointed," &c. As a remedy for this it was enacted, "That Ezra Carter and Moses Foster, Esqs., and John Chandler, gentleman — all of said Bow — be assessors to assess the polls and estates within the said town of Bow, \* \* the sum of *five hundred and eighty pounds and sixteen shillings*, new tenor bills of public credit. They were required to give ten days' notice before making the assessment, that all persons may have opportunity to give in a true list of their polls and ratable estates. Those who refused so to do were to be "*doomed*" to pay an additional sum to meet costs. Timothy Walker\* and John Noyes were appointed collectors, to collect and pay in the sums on their respective lists, "on penalty of forfeiting and paying" the said sums themselves; and if the ASSESSORS should fail or refuse to do their duty, the Province treasurer was authorized and required "to issue his warrant of distress, directed to the sheriff," to levy the said sum of £580 16s. on their goods and chattels and lands;" and "in want thereof, on their body!" As an encouragement and *stimulant* to assessors and collectors to do their duty, the former were "entitled to receive, each, £7 10s. new tenor, and the latter £15 new tenor, each."†

In February, 1756, the inhabitants of Rumford, feeling themselves oppressed by this act, and "doomed" beyond just measure, petitioned for forbearance and redress of grievances. The petition, drawn up by Ezra Carter and John Chandler, set forth:

"That one half of the time was elapsed before we had sight of the act, and it was then the most busie season in the whole year, and the cattle on which part of the taxes was to be laid, were out in the woods, and not known whether living or killed by the enemy, which rendered it almost impracticable for us to comply with the letter of the act." For the remedying of these inconveniences, and also in hopes of obtaining some alterations beneficial to us and the people

\* I suppose, brother of Isaac — not son of the minister. † See Act in Secretary's office.

we were to tax, we should have addressed the General Assembly long before now, but our distance is such that we seldom hear of the adjournment and prorogations thereof before it is too late; several times were pitched upon for said purpose, but before they arrived the Assembly was adjourned. And now, having an opportunity to lay the affair before your Excellency and Honours, we humbly hope that you will take our case into your consideration, and in your wisdom and goodness compassionate our circumstances. As to our paying our part of publick charges of the government, we can uprightly answer for ourselves, and have reason to believe that we speak the united sense of the people of Rumford, that we ought to do it, but humbly pray we may have the priviledges of a town or district, viz., to raise money for the maintenance of our minister, school and poor; the repair of highways, &c., for the want of which for several years past the inhabitants there have been great sufferers.

That we apprehend we are doomed much beyond our just proportion of the public charge, which has happened as we conceive for want of a true list of our poles and estates, which we believe was never laid before the Assembly.

That we have been unavoidably subjected to great loss of time almost every year for several years past by disturbances from the Indians, and particularly for the two last years past. About a quarter of our inhabitants have been drove from their settlements during the busie season of the year, and the whole of them obliged to desist from their husbandry, in order to repair their garrisons and provide for the safety of their families.

Wherefore your petitioners most humbly pray that their circumstances may be considered, that they and the inhabitants aforesaid may be relieved against the penalties and rigour of said act; that a proper method may be prescribed to have a true list of the poles and estates aforesaid laid before the General Assembly, so that they may pay no more than their proportion, considering their situation; that they may be incorporated to all the purposes of a town, and that the assessors aforesaid may have a further time allowed to perform the business assigned in assessing and the collectors in levying the sum that shall be finally determined must be paid by said inhabitants.

And your petitioners, as in duty bound, shall ever pray.

EZRA CARTER,  
JOHN CHANDLER."\*

While the inhabitants of Rumford were thus complaining of grievances and struggling with their difficulties, the proprietors of Bow proper became sensible that the controversy in which they were involved was detrimental to their interest, and, to "save the great expense which inevitably attends contention,"

\* This petition was unsuccessful, and was followed by another from Dr. Ezra Carter, July 15, 1753, which may be seen in the Secretary's office.

they proposed terms of "accommodation and agreement," having respect, however, chiefly to settlers of Suncook.\*

In 1761 an order was issued for taking "an inventory of the polls and ratable estates in the Province," which order, "for Bow," was delivered to Col. Jeremiah Stickney, of Rumford. On the 19th of March, 1761, Col. Stickney addressed a letter to Capt. Thomas Parker, of Litchfield, then a member of the General Court, excusing himself, and apologizing for not taking the inventory — saying, "We never understood we had power to act to ordinary purposes under the incorporation of Bow, in which, if we were mistaken, it was our unhappiness."†

In April, the same year, EZEKIEL MORRILL and THOMAS CLOUGH, selectmen of Canterbury, were appointed to take an inventory of the "polls, stocks and improved lands in the township of Bow," which they accordingly did, and made the following return thereof to the General Court of New-Hampshire. It will be borne in mind that nearly the whole of their invoice related to the inhabitants of Rumford, who, at this time, were comprehended in Bow. The document is valuable as exhibiting the state of the settlement at that time, and the amount of the assessment.

*An Invoice of the Polls, Stocks and Improved Lands in the Township of Bow — taken by us, the subscribers, according to the best of our knowledge :*

Polls, . . . . .	154
Houses, . . . . .	91
Planting ground, (acres,) . . . . .	341
Mowing land, (acres,) . . . . .	498
Orcharding, (acres,) . . . . .	16
Oxen, . . . . .	160
Cows, . . . . .	222
Cattle, three years old, . . . . .	85
Ditto, two years old, . . . . .	90
Ditto, one year old, . . . . .	103
Horses, . . . . .	77
Ditto, three years old, . . . . .	12
Ditto, two years old, . . . . .	13
Ditto, one year old, . . . . .	10
Pasture land, (acres,) . . . . .	150
Negroes, . . . . .	6
Six mills, yearly income, . . . . .	£125

\* Doc. No. 6. † Doc. No. 7.

## VALUATION.

Polls, . . . . .	£2770	00
Land, . . . . .	502	10
Horses, . . . . .	231	00
Oxen, . . . . .	480	00
Cows, . . . . .	444	00
Three years old, . . . . .	145	10
Two years old, . . . . .	103	00
One year old, . . . . .	56	10
Slaves, . . . . .	96	00
	<hr/>	<hr/>
	4828	10
Doom, . . . . .	1000	00
	<hr/>	<hr/>
	£5828	10

EZEKIEL MORRILL,

THOMAS CLOUGH,

*Selectmen for Canterbury.*

We suppose the above assessment was never collected. But happily, the controversy which had been so long waged was now drawing to a close. In the courts of New-Hampshire every case brought to trial, touching the title to their lands, had been decided against the proprietors of Rumford; but the Rev. Mr. Walker and Benjamin Rolfe, Esq. — the men to whom the proprietors had entrusted their cause — confident of its justice, were neither baffled nor discouraged. With a firmness of purpose worthy of all praise, and sustained by the unanimous will of the people, the Rev. Mr. Walker persevered in his agency. In the fall of 1762 he visited England for the third time, to attend the trial of the cause, which was still pending. He had formed valuable acquaintances among ministers of religion, members of Parliament, and members of His Majesty's Council. Sir William Murray, his learned counselor and advocate in the first trial, was now Lord Mansfield, chief justice of the King's Bench. After long and anxious suspense the trial came on, and Mr. Walker announced the result in the following letter, dated —

LONDON, Decemb<sup>r</sup> 23, 1762.DEAR S<sup>r</sup>:

Last Friday, y<sup>e</sup> 17<sup>th</sup> inst., we had our Tryal; have obtained judgment in our favour, viz.: that the judgment against us shall be reversed; and the particulars whereof I now send you, so far as my memory serves. Mr. DeGrey, my Council, had proceeded but little



way in opening the cause, when L<sup>d</sup> Mansfield interrupted him by saying we had in our printed cases prepared a large field for argumentation; that it would take two days to go thro' y<sup>e</sup> whole—but he had a mind to narrow the case; that there were but two points worth insisting on, viz.: y<sup>e</sup> false laying out of Bow, which he called a nonsuit, and the order of the King respecting private property. He began with the former, on which he said our former case turned, when [by the way] he observed it was not as the Repp<sup>ts</sup> had alledged in their printed case, that we were drove from every other point, &c., for, in truth, there was no other point considered; that the L<sup>ds</sup>, not being clear as to the other point urged—merely out of tenderness to possession and cultivation, which, they said, in America was almost every thing—they laid hold of that and determined as they did, but came to no determination upon the other, viz.: the order of the King in Council, &c., which he called the great point. The first he determined roundly against us. I suspected by the manner of his treating it that he determined it should have no weight in the present decision, and, therefore, would hardly allow it the force it deserved. I was, therefore, not much concerned at my Council's submitting the point. L<sup>d</sup> Mansfield then said he was now come to the main point, viz.: the order respecting private property, which, he said, must mean, in cases like ours, where both sides claimed and made grants. Whoever settled under a grant from either side, if he happened to be on the wrong side of the line when it came to be settled—as he was precluded from defending himself by his grant—his possession should be his title; and, in this case, he said that possession with a grant from the Mass<sup>ts</sup> Bay was as good as possession with a grant from New-Hampshire.—Mr. Yorke, y<sup>e</sup> Repp<sup>ts</sup> Council, allowed y<sup>t</sup>, but alledged ours was not a *bona fide* possession; that we had been warned, &c. L<sup>d</sup> Mansfield said he had read those depositions as they were printed, where it appeared Bow had chose Committees to warn people from trespassing, &c., [which he seemed to speak with a sneer;] but he said the sum was this: Mass<sup>ts</sup> people were strong—went on and settled, and Bow claimed. As to what is possession, L<sup>d</sup> Mansfield distinguished between possession and property. With respect to the Royal order, he said the words were not private possession, but private property. His design most certainly was to carry y<sup>e</sup> idea of property further than actual improvement. The sum of what he said was to this effect, viz.: What a man claimed under a certain title, part whereof he actually improved, was his property. What is done, and what was said in the case, if truly represented by any body whom Bow will believe, will, I am persuaded, effectually discourage them from any further attempts, even against Suncook—much more against Rumford; yet I suspect their lawyers will urge them on to further tryals—with what success time must discover.

Yours, &c.,

T. W.

The following is the decision of His Majesty in Council, upon

the several cases which were then on trial—all involving the same principle.

*At the Court of St. James, the 29th day of December, 1762.*

PRESENT,

The King's Most Excellent Majesty :

Earl of Huntington,	Viscount Falmouth,
Earl of Halifax,	Mr. Vice Chamberlain,
Earl of Northumberland,	George Grenville, Esq.,
Earl of Egremont,	Henry Fox, Esq.,
Earl of Delaware,	Welbore Ellis, Esq.

Upon reading at the Board a Report from the Right Honorable the Lords of the Committee of Council for hearing appeals from the Plantations, dated the 17th of this instant, in the words following, viz. :

Your Majesty, having been pleased by your order in Council of the 15th of February, 17—, to refer unto this Committee the humble petition and appeal of Benjamin Rolfe, Esq., Daniel Carter, Timothy Simonds, John Evans, John Chandler, Abraham Colby and Abraham Kimball, setting forth, amongst other things, that, in 1721, Benjamin Stevens and others petitioned the General Court or Assembly of the Massachusetts Bay for a grant of land at Pennicook, upon the river Merrimack, which petition, having been referred to a committee of both Houses, and they reported in favor of the application, that it would be for the advantage of the Province that part of the land petitioned for should be assigned and set apart for a township, to contain seven miles square, and to begin where Contoocook river falls into Merrimack river. And they appointed a committee to bring forward the said settlement, and laid down several special directions with regard thereto. And, amongst others, that the lands should be divided into one hundred and three lots or shares; and that one hundred persons or families, able to make their settlement, should be admitted, and each settler to pay for his lot five pounds for the use of the Province, and be obliged to build a good house for his family within three years, and break up and fence in a certain quantity of land, and the houses and lots to be on each side the river; and that a meeting-house should be erected and finished, which was to be assigned for the use of the minister and for the school, and the charge of the committee was to be borne by the settlers; which Report was agreed to by both Houses of the Council and Assembly of that Province, and concurred in by the Governor. That, in 1726, the town of Pennicook was laid out and divided into lots amongst the proprietors, who began and carried on a settlement there with great difficulty and cost, it being above twenty miles up into the Indian country beyond any English settlement then made, and being a perfect wilderness, having not the least sign that human foot had ever trod the ground there, and notwithstanding the difficulties they

were under in establishing a new town in so remote a desert, they pursued their undertaking with such industry and pains, clearing the land, building houses, sowing corn, &c., that, within a few years, a town was erected, and the place capable of receiving their families, who were then removed up there.

That, on the 6th of August, 1728, in consideration that five hundred acres of land, which had, prior to the aforesaid Pennicook grant, been granted to Gov. Endicott, fell within the Pennicook boundaries, the Assembly of the Massachusetts Bay came to a resolution, which was concurred in by the Governor and Council, that the Pennicook settlers should be allowed and empowered, by a surveyor and chainmen upon oath, to extend the south bounds of their township one hundred and thirty rods the breadth of their town, and the same was accordingly granted and confirmed to them as an equivalent for the said five hundred acres of land; and in a few years they had so far erected and settled a town that, in 1733, the Governor, Council and Assembly of the Massachusetts Bay passed an act for erecting the said plantation of Pennicook into a township by the name of Rumford; which act was confirmed by his late Majesty in council; and the settlers having ever since, at great costs and labor, gone on improving the lands within the said township of Rumford, by building, cultivation, and otherwise, and having been in continual possession thereof for above thirty years past, and the same is now become a frontier town on that part of New-Hampshire.

That, on the 6th of August, 1728, David Melvin and William Ayer petitioned the General Court or Assembly of the Massachusetts Bay, for themselves and others, who had served as volunteers under Capt. John Lovewell, praying a part of the Province land might be granted to them for a township, in consideration of the service they had done, and the great difficulties they had undergone in the war; which petition being read in the House of Representatives, it was resolved that six miles square of land, lying on each side of Merrimack river, of the same breadth from Merrimack river as the township of Pennicook, and to begin where Pennicook new grant determines, and from thence to extend the lines of the east and the west bounds on right angles, until the six miles square should be completed, be, and it is thereby granted to the forty-seven soldiers, and the legal representatives of such of them as were deceased, who marched with Capt. Lovewell, (himself included,) when he engaged the enemy at Pigwacket. That on the 9th of July, 1729, the said David Melvin and others petitioned the Assembly of the Massachusetts Bay, setting forth that they had caused the said tract of land to be surveyed and platted, and praying a confirmation thereof, and that the grantees might be empowered to assemble and choose a clerk, pass votes, and be empowered to admit the persons in Capt. Lovewell's first march, to be associated with him; and the survey or plan of the said tract, which is annexed to the petition, and mentions it to begin at the south-east corner of the said other town of Pennicook, and from thence to run out according to the

grant. It was ordered that the land described in the plan should be confirmed to the petitioners and their associates, and their heirs and assigns forever, provided it exceeded not six miles square, nor interfered with any former grant. And the Assembly, on the 23d of September following, ordered a preference to be given to those soldiers who were actually with the captain in the engagement when he killed several of the Indians, and the said resolutions of the Assembly were concurred in by the Governor and Council.

That the Suncook proprietors carried on their said settlement which adjoined to Pennicook, otherwise Rumford, in like manner as the Pennicook or Rumford settlers had done; and, in 1737, had a minister settled there, and by their industry, labor and charges, it became a good parish, filled with inhabitants.

That some years since, upon a dispute about the boundary line between the provinces of the Massachusetts Bay and New-Hampshire, his Majesty was pleased to issue a commission to mark out the dividing line between the said Province of New-Hampshire and Massachusetts Bay, but with an express declaration that private property should not be affected thereby. And upon hearing the report of the commissioners appointed to settle the said boundary, His Majesty was pleased, by his order in Council, made in 1740, to adjudge and order that the northern boundary of the said Province of the Massachusetts Bay are and be a similar curve line, pursuing the course of Merrimack river at three miles distance on the north side thereof, beginning at the Atlantic ocean, and ending at a point due north of a place called Pautucket Falls, and a straight line drawn from thence due west, cross the said river, till it meets with His Majesty's other governments; by which determination two third parts at least of the said river Merrimack, with the lands and settlements thereon, and among the rest the said towns of Pennicook, or Rumford, and Suncook, would lay upon the said river considerably above the said Pautucket falls, were excluded out of the said Province of Massachusetts Bay, in which they had before been thought and reputed to be, and thrown into the said other Province of New-Hampshire. That notwithstanding His Majesty had been pleased, at the time of issuing the said commission, to fix the said boundary, to declare the same was not to affect private property: yet, certain persons in New-Hampshire, desirous to make the labors of others an advantage to themselves, and to possess themselves of the towns of Pennicook, otherwise Rumford, and Suncook, as now improved by the industry of the appellants and the said first settlers thereof, whom they seek to despoil of the benefit of all their labors, did, on the 1st of November, 1759, by the name of the proprietors of the common and undivided lands, lying and being within the township of Bow, bring an ejectment in the inferior court of common pleas, holden at Portsmouth, in New-Hampshire, against the appellants, by which ejectment the respondents, under the general denomination aforesaid of the proprietors of Bow, demand against the appellants the possession of about one thousand acres of land, alleging the same to lie in Bow.

aforesaid, and to be described and bounded as therein mentioned and set forth in the ejectment, their grant of the town of Bow, dated the 20th of May, 1727, from John Wentworth, Esq., Lieutenant Governor of New-Hampshire; and that by force thereof they were seized in fee of the lands thereby granted, to the extent of eighty-one square miles, and they had afterwards entered thereon, pursuant to their grant, and were seized thereof, and alleged they were entitled to the one thousand acres of land sued for, as part of the said eighty-one miles square of land, and that the same lay within the said town of Bow; but that the appellants had entered therein and ejected the respondents, and withheld the same from them. To which action the appellants severally pleaded not guilty, as to so much of the lands sued for as were in their respective possessions.

That, on the 2d of September, 1760, the cause was brought on to trial in the said inferior court, when the jury gave a verdict for the respondents, and judgment was entered up accordingly, with costs, from which the appellants prayed, and were allowed an appeal to the next superior court. And on the second Tuesday in November, 1760, the cause was brought on again to trial in the superior court, when the jury gave their verdict for the respondents, and the judgment was thereupon entered up, affirming the said judgment of the inferior court, with costs. That the appellants, conceiving themselves to be thereby greatly aggrieved, prayed, and were allowed an appeal therefrom to your Majesty in council, and humbly pray that both the said verdicts and judgments may be reversed, and that they may be otherwise relieved in the premises.

The Lords of the committee, in obedience to your Majesty's said order of reference, this day took the said petition and appeal into their consideration, and heard all parties therein concerned, by their council, learned in the law, and do agree humbly to report as their opinion to your Majesty, that the said judgment of the inferior court of common pleas of the Province of New-Hampshire, of the 2d of September, 1760, and also the judgment of the superior court of judicature of the 2d Tuesday in November, 1760, affirming the same, should be both of them reversed, and that the appellants should be restored to what they have lost by means of said judgments.

His Majesty this day took the said report into consideration, and was pleased, with the advice of his privy council, to approve thereof, and to order, as it is hereby ordered, that the said judgment of the inferior court of common pleas of the province of New-Hampshire, of the 2d of September, 1760, and also the judgment of the superior court of judicature, of the 2d Tuesday in November, affirming the same, be both of them reversed, and that the appellants be restored to what they may have lost by means of the said judgments, whereof the Governor or Commander-in-chief of His Majesty's Province of New-Hampshire, for the time being, and all others whom it may concern, are to take notice and govern themselves accordingly.

But notwithstanding His Majesty's decision, the controversy had become so complicated, and involved so much personal interest and feeling, that many years elapsed before its final settlement. The difficulty with the government of the Province in respect of taxes, was terminated by a charter of incorporation — as the next chapter will show — but conflicting personal interests had to be compromised. The prudence, decision, and readiness for reconciliation on just principles, which distinguished the proprietors in all their subsequent proceedings, appear from their records. The controversy was finally terminated in 1772. The common lands which had been reserved were divided and laid off to the respective proprietors and grantees.\*

#### SETTLEMENT OF CANTERBURY BOUNDS.

While the controversy was pending between Rumford and Bow, an attempt was made on the part of Canterbury to have the gore of land lying on "the southwesterly side of Canterbury," and between the Canterbury and Bow line, (as claimed,) annexed to the former township. This gore included the north-

\* At a meeting of the proprietors, October 8, 1771, Capt. John Chandler, Mr. Philip Eastman and Mr. Abiel Chandler were chosen a committee to take a plan, and survey the common and undivided land, and lay out the same to each proprietor his or their equal proportion in a just and equitable manner. That the said committee "in the first place lay out as much common land as to make whole Mr. Phillips' two eighty acre lots; and likewise Mr. James Farnum's, which was given away to complete the settlement with Bow."

"N. B. Mr. Philip Kimball entered his dissent against the vote passed to lay out the common land."

July 27, 1772. Andrew McMillan was chosen "agent to petition the General Court to empower the proprietors to raise six hundred pounds, lawful money, by an equal assessment on all the lands within the township of Rumford, in order to complete a settlement between said proprietors and the proprietors of Bow, Mason's Patent and Canterbury."

Voted, That Mr. Benjamin Emery, Ensign Reuben Kimball and Mr. Daniel Gale, be a committee "to examine and see how much land has been sold by their former committees towards paying fifteen hundred dollars voted at a former meeting."

N. B. Voted, by way of direction to the committee, that "the late Benjamin Rolfe, Esq., his estate be chargeable with all the lands recovered within the bounds of the township formerly called Suncook."

By examination of the Plan of the town, it will at once be seen that the original south line of Rumford run across the Merrimack and Soucook rivers, and took in a considerable section of land that was afterwards laid off to Pembroke. Several lots lying in that section were laid off to the settlers of Rumford, of which by the foregoing it appears some "were recovered." See *Proprietors' Records*, April 22, 1773. The case was referred to Matthew Thornton, Esq., Londonderry; Capt. Moses Little, of Newbury, and Mr. Moses Gerrish, of Canterbury, "finally to determine what sum of money the estate of Benjamin Rolfe, Esq., deceased, shall pay towards carrying the case of the Bend of the River (so called) to Great Britain."

In a "notification" for a meeting, November 21, 1772, the proprietors say that "the trouble-

east part of Rumford, and seems to have extended up the Merrimack river so as to take in the interval farm of Stephen Gerrish.\*

At a legal meeting, held at Canterbury August 16, 1759,

*Voted*, That Capt. Miles refer a petition to the Grate and General Corte, and prosecute the same in order to have that gore of land lying between Canterbury and Bow annexed to Canterbury aforesaid.

A true coppy — attest,

EZEKIEL MORRILL, *Town Clerk*.

In pursuance of the above, Capt. Josiah Miles presented a petition to the General Assembly of the Province, February 7, 1760, setting forth "that there is a gore of land lying on the south-westerly side of said township, between that and Bow, on which several of the home lots of said Canterbury are laid out by mistake of the boundary on that side, on which there are sundry families settled, and when an invoice was returned to regulate the proportions of the towns to the Province tax, those families were returned, supposing they were within said township; but upon running the line afterwards they were found without: \* \* since which they have refused to pay any tax to said town; that the people are willing to be annexed to Canterbury, as it would be more convenient for them than to be joined to any other township, and there is no prospect or rather possibility that it should ever make a township, considering the situation, the shape, the quantity—by estimation about fifteen hundred acres—and the quality of the land."

On this petition a hearing was ordered at the February session,

some and expensive controversy which has so long subsisted between them and other claimers of their land, we rejoice to find now happily closed."

At a meeting, March 15, 1773, Mr. William Coffin was chosen proprietors' treasurer, "to pay the money as he receives it to the committee formerly chosen to make a settlement with the proprietors of Bow." *Voted*, "That Sewall's Farm, (so called,) be assessed to pay an equal proportion for quantity and quality with the rest of the town towards the settlement with the proprietors of Bow," &c., and "that the estate of Benjamin Rolfe, Esq., deceased, reimburse towards defraying the charges of carrying the cause to England, wherein the bend of the river, (so called,) was sued for, not being within Rumford claims."

"N. B. That Mr. Peter Green wait upon Mr. Benjamin Thompson to Portsmouth, to represent the above case to the judge in behalf of the proprietors."

Benjamin Thompson, afterwards Count Rumford, married the widow of Benjamin Rolfe, Esq., Mrs. SARAH, daughter of Rev. Timothy Walker. Hence we infer he was married previous to this date.

The "Bend in the River" is understood to be that on the southern line of the town, embracing part of the Interval Farm of the late Col. John Carter. The "Bend" is so great that a strip of land north of the river now falls within the line of Bow.

\* A Plan of the land claimed is now in the archives of the N. H. Hist. Soc., which see.

1761. In the mean time remonstrances to said petition were presented from various quarters. (1.) A remonstrance from inhabitants of Rumford, authorizing Dea. Joseph Hall "to repair to Portsmouth as soon as may be, and do what he can to hinder the prayer of said petition being granted ;" stating among other reasons their hope that the township would soon be incorporated, pursuant to a petition before the Assembly, then on file ; and that " we hope and expect that the validity of our title to our said township, which is soon to be decided by His Majesty, will issue in our favor, and therefore that the matter may be at least suspended whilst that event is known." This was signed by John Chandler, Jeremiah Stickney, Timothy Walker, jun., Benjamin Osgood, Jacob Shute, Daniel Chase, Moses Merrill, Nath'l Abbott, Richard Hasseltin, George Abbott, John Merrill, Benjamin Abbott, and Ebenezer Hall. (2.) From John Webster and Samuel Osgood, February 16, 1761, stating that " they had lately purchased the farm commonly called Kent's farm, contiguous to Rumford, of the claimers of the right of John Tufton Mason, Esq.," and that it would be more convenient for them to be annexed to Boscawen than to Canterbury, on account of the distance from the meeting-house, and the badness of the road, and " not agreeable to their interest, connexions or inclination," to be annexed to Canterbury. This farm contained three hundred acres, and lay north of Rumford line, on the east side of the Merrimack river. (3.) A remonstrance from Stephen Gerish, February 14, 1761, whose farm was still further north on the Merrimack — stating, among other reasons, that " the meeting-house in Boscawen is within a mile of my house ; that my interest is in several respects closely connected with that of Boscawen ; that I largely contributed to the settlement and support of their late minister, Mr. Stevens, as long as he lived ; as also towards procuring what occasional preaching they have had since his death." But the two strongest remonstrances came from " Joseph Man " and " Will. Gault," of which the following are exact copies :

*To his Excellency the Governor and House of Assembly :*

These are to inform you that I live on the Common Lands Near Canterbury, and that Capt'n Miles is trying to have me Corperated



to them, which I have no Desire to, be Cause they Intirely Refused me of all town Privileges altogether: Whereupon I would humbly pray your honors to set me of to Some other Christian People, for if I am Set over to them I expect Nothing but oppression.

Will. Gault.

*These are to Inform His Excellency the Governor and the honorable Assembly of Portsmouth,*

That I Live in The Common land and Near to the town of Canterbury, and the Select men of the town has rated me every year, & I have paid Rates this five years past to them, Which I think Very hard of; Whereas they have a grate Entervail that they have the Cheef of their liveing Every year, & Never pays no Rates for it, Which makes me think they use no Conscience, or they would Rate their own Common land as Smart as they doe others. Seeing that Mr. Parsons laid out and Incroached on Severall Eacers of my land, and has taken it into his farm, I Requested of them to lay out my land in Canterbury, as they Reserved a tract of land to make good the home lots that fell out of the town in the Commons. But it was Said y<sup>t</sup> I should have no other land than I had Gotten: for my Part I am affraid to be Corporated to Canterbury for fear of oppression, and for these reasons I would pray his Excellency and the Honorable Assembly of Portsmouth, that they would be pleased to Corporate me to Some other Christian people.

Joseph man.

Finally, on the 13th of June, 1765, after the bounds of Concord were determined by the new incorporation, the Canterbury petition was, in part, granted — that is, a strip of land lying north of the original Rumford line, and extending up the Merrimack river, was annexed to Canterbury. The bounds were as follows: "Beginning on the easterly side of Merrimack river, on a course north, seventy-three degrees east, from the mouth of the Contoocook river; from thence, continuing the same course about six hundred and six rods, to Canterbury south-west side line; from thence, north-west, by said Canterbury side line, to Merrimack river; from thence, down the said river, to the place begun at; and all the lands, polls and estates taken by said boundaries are hereby added to said Canterbury and made a part thereof."

Hence it appears that the original west side line of Canterbury was six hundred and six rods from the river, and that it run along on the upland without taking in the interval. The interval between the river and Canterbury line belonged to what was

called "Mason's Patent," and the farms of Stephen Gerrish and Richard Kent, on the east side of the river, were included in the strip of land annexed to Canterbury, while none of that asked for between Canterbury and the Bow line, which belonged to Rumford, was granted.

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MISCELLANEOUS ITEMS AND ANECDOTES RELATIVE  
TO THE PERIOD BETWEEN 1750 AND 1765.

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NEW MEETING-HOUSE.



LOG MEETING-HOUSE.

The "garrison-house, forty feet in length and twenty-five in breadth," built in 1727, near West's brook, had served the inhabitants for a meeting-house about twenty-four years; but the increase of population and decay of the old house rendered it necessary to build a new one for public worship.

Not being in a capacity to act as a town, the work was undertaken by a number of individuals, called "Proprietors of the Meeting-house." A new location was chosen, and the main body of the house was erected in 1751, on the spot where it still stands\* — now the "Methodist Biblical Institute." Its timbers were of the best white oak. According to tradition there was a large gathering of people at the "raising," which commenced the 12th of June and took three days. But while the men were so laudably employed, the women of the parish afforded material "aid and comfort" by cooking and providing victuals for them on the spot. The meeting-house was sixty feet long, forty-six wide, and two stories high. It was without porches or gallery. The only

\* The various changes it has passed through will be noticed hereafter.

entrance was at the door in front, on the south side. The seats were coarse benches, arranged on each side of the broad-aisle, and east and west of the pulpit, which was on the north side. The men sat on the west, and the women on the east side. The minister had a *pew* near the pulpit, and the deacons sat together directly in front of the pulpit, facing the congregation. Thus unfinished the house remained till after the Revolutionary War.

A LETTER FROM REV. MR. WALKER TO HIS DAUGHTER.

While in London, on his first visit, Rev. Mr. Walker wrote as follows to his youngest daughter, Judith, then about nine years of age :

“LONDON, March 13th, 1754.

“While I am addressing myself to each of my children, Judith surely must not be forgotten, which, altho’ the youngest, yet is none the less dear to her tender hearted Father upon that account. My dear, I hope you have not forgotten your prayers and pretty verses which I used to hear you say over when you went to bed; but as you grow in years, you will advance in every endowment, both natural and spiritual; for I can have no greater joy than to hear that my children walk in y<sup>e</sup> truth. Fear God and keep his commandments, which is the whole duty of man. Honour your Father and Mother, which is the first commandment with promise. Be courteous and affable to your brother and sisters; let there be no family strife or contention, but remember that where envy and strife is, there is confusion and every evil work.

I remain your loving Father,

TIMOTHY WALKER.”

In 1755, on his second visit, Mr. Walker wrote to his brother-in-law, Mr. Joseph Burbeen, of Woburn, a letter, which has been preserved, in which he says: “The fate of Europe, as to peace or war, as yet remains doubtful. Vigorous preparations have been and still are making; but many are confident matters will subside: but I expect, at least, that the poor frontiers in New-England will have a troublesome summer. I am in pain for my family as well as other friends exposed.”

THE FIRST IRON CRANE.

The first iron crane used in a chimney fire-place in Rumford was put up by Stephen Farrington, in 1757. Mr. Farrington built and lived in the house where Mr. David G. Fuller now

lives — recently owned by the late Widow Huldah Evans. The occasion was as follows: Heating water one day to scald hogs, the lug-pole, upon which the kettles were suspended, was burnt off and the hot water was spilt, seriously endangering the children who were playing on the floor. This so alarmed the family that Mr. Farrington determined to have an iron crane; and, having business at Portsmouth, he there purchased a bar of iron and brought it to Rumford on horse-back, where he had it made into a crane. The date (1757) is marked on it. Before putting it into the chimney they made a trial of its strength by chaining it to a tree and suspending on it a barrel of water — a wager being laid that the crane would not bear it. It stood the test, and it was afterwards used in the family for more than ninety years. This crane was deposited in the rooms of the New-Hampshire Historical Society in June, 1853, by Mr. Samuel Farrington, it having been used a long time previously by the descendants of Stephen Farrington for a *boot-jack* — a part of the brace being taken out.\*

TIMOTHY WALKER, JR'S., LICENSE TO PREACH.

*At an Association Meeting, at the House of the Rev<sup>d</sup>. Mr. BARNARD, in Haverhill, September 11, 1759,*

MR. TIMOTHY WALKER, jun., having apply'd to us for encouragement to preach, and having receiv'd from him a specimen of his ministerial abilities, do heartily approve of him, and recommend him to the Churches of Christ as well furnished for the service of the sanctuary, ardently wishing to him the presence and blessing of the great Head of the Church in all his future ministrations.

JOSEPH PARSONS,	SAMUEL BACHELLER,
WILLIAM BALCH,	EDW. BARNARD,
JAMES CUSHING,	ABNER BAYLEY,
EBENEZER FLAGG,	JOHN TUCKER,
WILLIAM JOHNSON,	WILLIAM SYMMES.

ANDREW McMILLAN'S STORE.

The principal store in Rumford, at this time, was kept by Andrew McMillan, Esq.† The following charges, found in his old ledger, will serve to illustrate the state of the currency at that

\* Facts furnished by Samuel Farrington.

† For a more particular notice of this gentleman see Biographical Sketches. His store was kept on the corner of Main and Pleasant streets.

time, and also, somewhat, the habits of the people. They show what was the price of articles then in common use, and hence enable us to compare the same with prices as they are now. We may be surprised to observe how large a portion of family expenses was for spirituous liquors; and, in this regard at least, we may mark an improvement in our favor. The charges, it will be seen, are carried out in *pounds, shillings and pence*; yet it is not strictly either "*old tenor*" or "*new*," but the *pounds* are put for *shillings*, and *shillings* for *pence*. Thus, as will appear, £6 means *six shillings*, or *one dollar*; £3 are *three shillings*, or *half a dollar*; £12, 10s., are *twelve shillings and ten pence*, or two dollars and nearly fourteen cents. As specimens of this book account I transcribe the following:

*Rev. Mr. Timothy Walker, junior,\* Dr.*

		£	s.	d.
1762.				
Decemb.	To 1 lb. of coffey, . . . . .	1	06	00
"	" 1 scain of silk, . . . . .	0	14	00
"	" $\frac{3}{4}$ yd. of bear-skin, at 8s. . . . .	6	00	00
"	" $\frac{1}{2}$ gall. of wine, at 9s., . . . . .	4	10	00
"	" $\frac{1}{2}$ gall. of W. I. rum, . . . . .	3	00	00
1763.				
Jan. 10.	" 1 lb. of coffee, by John Colby, . . . . .	1	06	00
" "	" 12 pipes, . . . . .	0	12	00
" 18.	" 1 comb, 20s., . . . . .	1	00	00
" "	" $\frac{1}{2}$ lb. of tea, at 12s., . . . . .	6	00	00
" "	" 1 quire of post paper, at 50s., . . . . .	2	10	00
Feb. 9.	" 4 lbs. of sugar, at 14s., . . . . .	2	16	00
Mar. 6.	" 1 quart mug, at 50s., . . . . .	2	10	00
" 9.	" 1 pint of brandy, by John Colby, 24s., . . . . .	1	04	00
May.	" $\frac{1}{2}$ a yd. of long lawn, by Judith, . . . . .	4	00	00
"	" 1 handkerchief, by Judith, . . . . .	8	00	00
"	" 1 pint W. I. rum, . . . . .	0	15	00
July.	" 1 gall. W. I. rum, by John Colby, . . . . .	6	00	00
"	" $\frac{1}{4}$ lb. of powder, by John Colby, . . . . .	1	05	00

*Deacon Farnum, Dr.*

		£	s.	d.
1763.				
Jan. 15.	To sundries brought from old ledger, p. 196, 211	11	11	06
" "	" $\frac{1}{2}$ gall. and pint of N. E. rum, . . . . .	2	19	00
" "	" 1 lb. of coffey, at 26s., . . . . .	1	06	00
" "	" 1 glass of brandy, . . . . .	0	04	00
" "	" 1 qt. of wine, at 25s., . . . . .	2	05	00

\* After Timothy Walker, Jr., was licensed to preach, Sept. 11, 1759, he remained in Concord, and was a while in company with Andrew McMillan. See biographical notice.

Feb. 1.	To $\frac{1}{2}$ gall. of brandy, . . . . .	4	10	00
	" 1 pint of brandy, . . . . .	1	04	00
	" 1 glass of brandy, . . . . .	0	03	00
" 8.	" 2 lbs. of brown sugar, at 14s., . . . . .	1	08	00
" 16.	" 1 glass of brandy, . . . . .	0	04	00
Mar. 1.	" $1\frac{1}{2}$ gall. of brandy, at 9s., . . . . .	4	10	00
" "	" $\frac{1}{2}$ lb. of raisons, . . . . .	1	00	00
" 14.	" 5 pare of men's gloves, at 50s., . . . . .	12	10	00
" "	" 2 pare of woman's black do., at 50s., . . . . .	5	00	00
" "	" 1 pare of woman's white do., . . . . .	2	13	00
" "	" 3 yds. of hat crape, at 50s., . . . . .	7	10	00

*Contra. Rumford, January 15, 1763. Cr.*

	By sundrys brought from old ledger, . . . . .	156	08	08
April 5.	" cash, . . . . .	124	17	00
June 6.	" cash, in full, . . . . .	94	00	10

*1763. Ezra Carter, Doctor, Dr.*

		£	s.	d.
Jan. 21.	To sundries brought from p. 11, . . . . .	492	15	06
" 22.	" $\frac{1}{2}$ gall. of brandy, . . . . .	4	10	00
" 26.	" $\frac{1}{2}$ gall. of brandy, . . . . .	4	10	00
" 27.	" $\frac{1}{2}$ gall. of brandy, . . . . .	4	10	00
" 28.	" $\frac{1}{2}$ gall. of brandy, . . . . .	4	10	00
" 29.	" $\frac{1}{2}$ gall. of brandy, . . . . .	4	10	00
" 31.	" $\frac{1}{2}$ gall. of brandy, [for medicine?] . . . . .	4	10	00
	" 5 lbs. of sugar, . . . . .	2	16	00
Feb. 4.	" $\frac{1}{2}$ gall. of brandy, . . . . .	4	10	00
" 8.	" 5 nots of thread, at 3s., . . . . .	0	15	00
" "	" 6 sheets of paper, at 1s. 6d., . . . . .	0	09	00
" "	" $\frac{1}{2}$ gall. of snakerut, . . . . .	4	05	00
" 11.	" $\frac{1}{2}$ gall. of W. I. rum, . . . . .	3	00	00
" "	" $\frac{1}{2}$ gall. of clove water, . . . . .	3	15	00
" 12.	" $\frac{1}{2}$ gall. of W. I. rum, half a dollar, . . . . .	3	00	00

*John Chandler, Dr.*

		£	s.	d.
1765.				
June 13.	To 4 buttons, . . . . .	1	00	00
	" $\frac{1}{2}$ bowl of tody, . . . . .	0	07	00
Mar. 11.	" $1\frac{1}{2}$ yds. of blue broad cloth, 17s., . . . . .	25	10	00
	" 2 doz. buttons, at 30s., . . . . .	3	00	00
	" 8 jacket do., . . . . .	0	10	00
	" $1\frac{1}{2}$ yds. of blue camblet, . . . . .	6	00	00
	" 1 qt. of rum, at 24s., and 2 bowls of tody, 2 . . . . .	12	00	00
July 22.	" 1 gall. of W. I. rum, 6s., . . . . .	6	00	00

*Rev. Timothy Walker, Dr.*

		£	s.	d.
1763.				
Dec. 9.	To the balance of your account, . . . . .	26	15	00
	" 3 yds. of red shoe-binding, by Judith, . . . . .	0	09	00

Dec. 8.	To 1½ lb. of chalk, at 40s., . . . . .	2	10	00
" "	" 2 qts. of rum, . . . . .	3	00	00
1764.				
Jan'y 2.	" ¼ lb. of pepper, 18s., . . . . .	0	18	00
Feb'y 2.	" 1 quart of W. I. rum, 35s., . . . . .	1	15	00
" "	" ¼ of buckram, . . . . .	0	12	00
" 16.	" 1 gall. of W. I. rum, by Mr. Tim., . . . . .	6	00	00
June 2.	" ½ yd. of cambric, by Judith, at 11s., . . . . .	1	08	00
" "	" 1 punch bowl, at 15s., . . . . .	0	15	00
" "	" ½ yd. of gauze, and to ½ skein of silk, . . . . .	1	04	06
" "	" 2 qts. of rum, . . . . .	3	00	00
Aug. 9.	" sundries paid Mr. Paul Burbeen, . . . . .	50	00	00
" 11.	" 1 gallon of rum, at 6s., . . . . .	6	00	00

The foregoing are fair specimens of the charges in the "old ledger" against various persons. It must be noticed that in the account against Dr. Ezra Carter, the price of "half a gallon of rum" is "half a dollar," which is carried out three pounds—and this explains all the charges. The "pounds" were so many "shillings," and "*six shillings*" made a dollar. We must in charity suppose that the kind-hearted Dr. Carter bought his brandy for *medicine*; but whether the same will apply to the others we presume not to say. Unquestionably the custom of the times allowed a greater liberty in that regard then, than would be thought consistent with temperance now.

Eunice Chase, mother of Mrs. Abigail, widow of the late Benjamin Kimball, of Sugar Ball, when a girl was gathering berries on a hill on the east side of the river, when she discovered a *young fawn* asleep under the shade of some bushes. Taking off her apron, she threw it over the fawn, and, clasping it in her arms, carried it home. She sold it to Andrew McMillan for six pounds of sheep's wool.\*

## WOLVES.

Jerry Farrington, son of Stephen Farrington, when a mere lad was one day out near his father's house and heard the geese making an unusual noise. He caught his gun and started to ascertain the cause. He found the geese in a small brook near where Capt. Philip Watson's house now stands, and judging from

\* Related by Mrs. Kimball.

appearances that some *enemy* had been among them, he went on in pursuit as far as what is called the "Whale's Back,"\* where he saw a large wolf facing him. His gun was loaded with fine shot. He therefore took aim directly between the wolf's eyes, fired, and put them both out. The wolf thus wounded raised a tremendous yell and ran confusedly about until other persons came to Jerry's help, and the wolf was killed.†

Benjamin Rolfe, who came to this town at the age of sixteen, (about 1758,) and who lived on the Rolfe farm, so called, (now Fisherville,) often told his children how the wolves would come down at night to the high sand-banks south of his residence, and set up a terrible howling. The cattle, conscious of danger, would collect together in some corner of the field, and when they lay down the young cattle would lie in the middle and the old and strong ones outside, for defence.

#### RATTLE-SNAKES.

In the early settlement of the township particular sections of it were greatly infested with snakes of various kinds, and especially with rattle-snakes. These latter were most numerous on and in the vicinity of "Rattle-snake," or, as it is now called, Granite Hill, and along the shores of Long Pond. A reward was offered, and paid by the town for many years, for killing these snakes, and some, it is said, even made it a profitable business — being able thereby to pay all their town taxes. Tradition says that the inhabitants used to go "snake hunting" on "good snake days," as still, sunny days in the spring and autumn were called. Their weapon consisted of a white oak or white ash stick, from six to eight feet long and about an inch round, with a hook fastened in one end, to be used in drawing the snakes from their holes and from cracks in the ledges. Thus armed, they repaired to the "snake ground," treading slowly and softly, to prevent the snakes from hearing them. Generally the snakes were found lying in the sunshine, near their dens, asleep. Sometimes they were so numerous as to form a large heap. If they heard any noise, the snakes gave the alarm by shaking their

\* The ridge of land west of Mr. Abel B. Holt's. † Tradition from Samuel Farrington.



rattles, which made a fine buzzing noise; then they run into holes or under rocks for safety. The rattle-snake was easily killed — a well directed blow with the stick above described was sufficient for the purpose. Their motion was slow, and they would usually retreat from the presence of a man; yet “the hunting” of them was dangerous, for, if overtaken and provoked, they were very ferocious. Coiling up in a small ring, and emitting a fine buzzing noise with their rattles — their bodies rising and falling like a bellows — their parti-colored skin rough and sparkling — the upper jaw thrown nearly back upon the neck, and their eyes, like a fiery flame, which would suddenly change to a greenish color — they would suddenly dart on their foe, strike their fang, and, at the same instant, emit a poison in the wound, which usually proved fatal.

Many traditionary stories are related of rattle-snake hunting. The late Amos Abbot — father of John and Simeon — with his cousin Reuben, one afternoon killed forty-nine snakes with sticks and hooks; but such an effluvia proceeded from the slaughtered snakes as to sicken them. Commonly the faces of the hunters would be swollen with inflammation, caused, as was supposed, by poisonous effluvia.

There is a tradition that a Penacook Indian undertook to revenge himself on the nation of rattle-snakes for having bitten one of his family. He made a large fish-pot and set it at the mouth of a den of rattle-snakes. As they came out they filled the pot, which, in the joy of his success, he rolled away from the den, and then piled around it a large quantity of brush, which he set on fire, dancing and singing to see the contortions and struggles of his conquered foe; but his joy was short. Whether from the effluvia inhaled, or some other cause, he soon sickened and died.

One person undertook to “blow up” a den of snakes. Having caught and fastened a large rattle-snake, he tied to his tail a powder-horn filled with powder — putting in for a stopple a piece of punk, which he set on fire and let the snake go. Returning to his snaky companions, unsuspecting of the fate that awaited them, soon the powder-horn exploded, when the whole den of snakes was blown “sky high.”

Another mode of destroying these reptiles, if not equally singular, was as effectual—that is, the letting the hogs run at large where the snakes were abundant. In the autumn of the year, being fat and lazy, the snakes made a delicious morsel for swinish appetites. The hogs would often kill them before they had time to coil and dart their poison.\*

The oil from rattle-snakes was found very useful, and was used for sprains, stiff joints, rheumatism, &c.

George Abbot, Esq., relates that his father, when a young man, killed an enormous fat rattle-snake, which he afterwards stretched out on a flat rock, in the sun, and that the oil which came from it penetrated the rock so deeply that the marks of it remain even till this time.

So thorough was the war of extermination carried on by our fathers against the rattle-snake tribe, that it is said not one has been seen on Rattle-snake Hill for the last forty years.

\*A writer in Harper's Magazine for March, 1855, says: "Of all enemies with which the rattle-snake has to contend, except man, the hog is the most formidable. An old sow, with a litter of pigs to provide food for, will hunt for the reptile with a perseverance and sagacity truly astonishing, tracing them to their hiding-places, and never letting them escape." [See the whole article, which is very interesting.]